

A Wisconsin Idea of Client-Centeredness

**Hafeezah Ahmad
Ben Obregon
John F. Ebbott**

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The authors of this paper are the client President and Vice President of the Board of Directors of Legal Action of Wisconsin and Legal Action's Executive Director. In this paper, we address the issue of client-centered delivery of legal services.

Critical to any delivery of legal services which is truly client-centered are staff attorneys, paralegals, secretaries and receptionists who view clients with dignity and respect and who are completely committed to their work of securing equal justice for clients. The legal services law firm which provides legal services to low-income clients must foster a tradition and environment which recruits such staff members in the first instance, and then reinforces those values as new staff join the organization through existing staff members who serve as role models. A law firm which provides client-centered legal services never permits a situation referred to in the "Call for Papers" where "our clients and their needs" are "opposed to the needs of our staff and/or our organizations". Those needs should not be perceived as being in opposition, nor should they be opposed in fact.

1. The Waiting Room

There are many elements to which attention must be devoted in order to provide client-centered legal services. One such element is the waiting room. For some years, the waiting room in our largest office was dingy, had no windows and the chairs were arranged so that clients who did not know each other had to sit directly across from each other and close together. We were concerned that it more resembled a welfare agency than a law firm. We made the decision to devote a significant amount of money to remodeling the waiting room. Now that waiting room is airy and cheerful, has windows which permit sunlight, and the chairs are arranged so that the clients do not have to sit knee-to-knee and stare at each other. We obtained donations of toys so that children can occupy themselves in the waiting room and we regularly update reading material. Our objective in doing this was to make clients feel, from the moment they first stepped foot in our waiting room, that we believe that they deserve dignity and respect.

2. The Interaction Between Staff and Clients

The second element is that all interaction between staff and clients, whether in person, by telephone or through correspondence, be marked with the same dignity and respect. Staff should treat clients as equals, and accept them with compassion and understanding, and without the passing of judgment. Staff should not hold a concept of “the deserving poor” who are entitled to zealous representation, and the “undeserving poor,” who are not. Staff should listen to clients very closely and with patience, and should inquire into the

client's whole situation, not just the issue which the client has identified. For example, if a client is being evicted for nonpayment of rent, part of the problem may be that she has not received the W-2 cash allowance to which she is entitled. This inquiry requires a more extensive and careful interview, and requires the advocate to fight against the temptation, caused by high caseloads, to mete out assembly-line legal service.

3. The Immediate Non-Legal Crisis

A third important element of client-centered delivery is helping clients with their immediate, non-legal crises. For example, we have created a fund which purchases bus tickets for clients who come in without significant money to get back home or to get to their next destination. We also, regularly, take up a collection among staff for clients who need money to pay rent and keep their families in their homes. We will make efforts to arrange day care for clients, even if this is not a legal issue. While any staffs' ability to do this is obviously limited by time and available funds, it is important to recognize that clients seeking legal assistance also have immediate and serious crises with which they must cope, that these crises should not be ignored and only the legal issue be addressed.

4. The False Empowerment of Inappropriate Pro Se

A fourth significant element of client-centered delivery of legal services is to refrain from advising a client to represent herself where it is quite likely that she will be eaten alive when

she tries to do so. This is false empowerment, not real empowerment. The advocate must get a clear picture of just how much the client can actually do for herself, and this requires a good understanding of the client, and also of the forum and system in which pro se representation is contemplated. For instance, one client came to Legal Action with an unemployment compensation issue. Unemployment compensation cases are ordinarily thought of as matters which can be handled by the claimant without an attorney or other advocate. This case involved the meaning of the term “first qualifying separation” and the determination of which period was our client’s “certification period.” The issue was whether our client’s weekly Trade Readjustment Act benefit was \$226 per week, as computed by the Department of Workforce Development, or \$297 per week, as we argued. The case also involved which weeks were, for our client, a “valid new claim week” (VNC). The Legal Action attorney argued that the DWD was correct that the benefit year based on our client’s October 1998 VNC ended in October 1999, but argued that the “ensuing period” was the new benefit year beginning with the October 1999 VNC. Therefore, the first “exhaustion” did not occur in October 1999 but occurred in May 2000 (during the “ensuing period”) when our client used up all of his state unemployment insurance benefits resulting from the October 1999 VNC. Therefore, if the “first exhaustion” occurred in May 2000 rather than October 1999, our client’s benefits should be the weekly amount in effect in May 2000, which was \$297, not the weekly amount in effect based on the October 1998 VNC, which was \$226 as DWD had calculated it. To explain the law to this client and send him up to argue it on his own would not have empowered him. It is not unusual for our clients to present cases of this complexity to us, and being client-centered in a situation like this means accompanying this client to the unemployment compensation hearing and arguing

these issues on his behalf.

5. Involvement in the Client Community

A fifth element of client-centeredness involves broad and deep involvement in the client community by the legal services advocates. They must work with community organizations and get to know well community activists and client leaders and representatives, so that they can identify significant issues affecting the client community, make appropriate referrals and have a means of gaining access to the client community other than through advertisement and word-of-mouth. Through this kind of involvement, we at Legal Action identified the loss of driver's licenses as crucial to our clients' ability to obtain and retain family-supporting jobs. Because the importance of this issue was identified by several community organizations and activists, we mobilized significant resources to meet this need. It did not matter that no attorney on the staff was wildly enthusiastic about learning the driver's licensing statute; the fact that it was a major client need meant that a number of staff willingly learned driver's license law. This is why we say that it simply should not be that the needs of our clients are "opposed to the needs of our staff and/or our organizations." And, we doubt that these needs are opposed in the case of most legal services law firms.

6. The Multi-Specialty Law Firm

A sixth aspect of client-centered delivery is the structuring of the legal services law firm as a multi-specialty organization. Because clients often have more than one legal problem, whether they present all of them or only one, it is important to provide for easy intra-firm referrals. For example, at Legal Action it is easy for a public benefits law specialist to refer the client's housing problem to the housing law specialist or her family problem to the family law specialist. This referral does not require a second or third intake interview on the part of the client, and frequently involves the specialists working together on the various legal problems of one client.

7. Home Visits and Extended Office Hours

A seventh element is the willingness of staff to make home visits to clients who cannot make the trip to the office where personal consultation is required for zealous representation. While this is standard procedure for migrant farmworkers, at Legal Action we also make home visits for inner city clients in order to serve them well. A corollary to this is the maintenance of office hours before 9 a.m. and after 5 p.m. for working families who need to contact us outside their workday.

8. The Board of Directors and Community Advisory Committees

An eighth element of client-centered delivery is a cooperative effort on the part of both clients and staff to ensure a strong client voice on the Board of Directors and in local community advisory committees. This voice should include community activists who may not be technically client-eligible, but who, through their work and community contacts, are able to speak forcefully on behalf of clients. Client representatives on the board and on the community advisory committees should be those who can speak for a large segment of the client community, and not just for themselves individually or for a small group of clients.

It is also very important for the client board members, especially if they are the President and Vice President, as we are, to develop a strong working relationship with the Executive Director and with other key staff, such as the Litigation Director and relevant managers. We believe that we have created this at Legal Action, and it has included the client Board President and Executive Director participating together as members of a peer review team reviewing another program. Our law firm also encourages client participation in national legal services activities, such as sending clients to the National Legal Aid and Defender Association annual conference and assisting them in their efforts to obtain national positions of leadership in the legal services community.

It is important for client board members to have key roles in the functioning of the law firm, roles which may not be viewed as “traditional” client roles. At Legal Action, client Board members organize community support and fundraising at our branch offices and negotiate collective bargaining contracts with our unions.

While client-centered delivery of legal services depends to a certain extent on the structuring of systems, it can, in the final analysis, only be accomplished through the constant efforts of clients and staff to work together in mutual respect and dignity. Once these efforts have begun, they become a cornerstone of the law firm, and continue through years of change in both staff and client leadership. At Legal Action all of the foregoing aspects of client-centeredness are integrally related to Legal Action's mission:

We exist to provide creative and effective legal representation in order to achieve justice for low-income people and others to whom it would otherwise be denied. We advocate for empowerment and systemic change to help our clients realize their basic right to a decent quality of life. We strive for active client and community participation in carrying out our mission.